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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/732,792  | 12/09/2003  | Roy D. Roberts       | 6577P001             | 2745             |
| 8791  | 7590        | 01/23/2006           | EXAMINER             |                  |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN<br>12400 WILSHIRE BOULEVARD<br>SEVENTH FLOOR<br>LOS ANGELES, CA 90025-1030 |             |                      | RAABE, CHRISTOPHER M |                  |
|   |             |                      | ART UNIT             | PAPER NUMBER     |
|   |             |                      | 2879                 |                  |

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/732,792

Applicant(s)

ROBERTS, ROY D.

Examiner

Christopher M. Raabe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

1. Amendment filed October 31, 2005 has been entered and acknowledged by the examiner.
2. Applicant's arguments filed October 31, 2005 have been fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US Patent 3778662).

With regard to claim 1,

Johnson discloses a sub-miniature arc lamp comprising: a sapphire body having a first end and a second end (column3, lines 7-15 and the figure), the first end being coupled to a first cap and the second end being coupled to a second cap to define a sealed envelope (18 of the figure), wherein a first electrode being mounted in the first cap and a second electrode being mounted in the second cap are enclosed within the envelope (19 of the figure).

With regard to claim 6,

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Johnson discloses the sub-miniature arc lamp, further comprising an airtight housing substantially surrounding the sapphire body (11 of the figure).

With regard to claim 7,

Johnson discloses the sub-miniature arc lamp, wherein the airtight housing contains an inert gas (column 5, lines 25-40).

With regard to claim 8,

Johnson discloses the sub-miniature arc lamp, wherein the sapphire body is a sapphire tube (14 of the figure).

With regard to claim 9,

The sub-miniature arc lamp, wherein the first electrode is an anode and the second electrode is a cathode (column 2, lines 25-32).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson as applied to claim 1 above, and further in view of Waymouth (US Patent 3728004).

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With regard to claim 2,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose getters being mounted along the first electrode.

Waymouth does disclose getters being mounted along a first electrode (8 of fig 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson in order to remove undesirable gases.

With regard to claim 3,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose the one or more getters including one or more mercury-dispensing getters.

Waymouth does disclose one or more getters including one or more mercury-dispensing getters (column 2, lines 60-65).

Utilizing the reasoning in the rejection of claim 2, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson.

With regard to claim 4,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose getters being mounted along the second electrode.

Waymouth does disclose getters being mounted along a second electrode (8 of fig 1).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson in order to remove undesirable gases.

With regard to claim 5,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose the one or more getters including one or more mercury-dispensing getters.

Waymouth does disclose one or more getters including one or more mercury-dispensing getters (column 2, lines 60-65).

Utilizing the reasoning in the rejection of claim 4, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson.

7. Claims 10-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (as above), in view of Waymouth (as above).

With regard to claim 10,

Johnson discloses a sub-miniature arc lamp comprising: a sapphire body having a first end and a second end (column 3, lines 7-15 and the figure), the first end being coupled to a first cap and the second end being coupled to a second cap to define a sealed envelope (18 of the figure), wherein a first electrode being mounted in the first cap and a second electrode being mounted in the second cap are enclosed within the envelope (19 of the figure), wherein the

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sapphire body is substantially surrounded by an airtight housing filled with an inert gas (11 of the figure, and column 5, lines 25-40).

Johnson does not disclose one or more getters being mounted along the first electrode.

Waymouth does disclose one or more getters being mounted along a first electrode.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getters of Waymouth into the sub-miniature arc lamp of Johnson in order to remove undesirable gases.

With regard to claim 11,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose the one or more getters including one or more mercury-dispensing getters.

Waymouth does disclose one or more getters including one or more mercury-dispensing getters (column 2, lines 60-65).

Utilizing the reasoning in the rejection of claim 10, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson.

With regard to claim 12,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose one or more getters being mounted along the second electrode.

Waymouth does disclose one or more getters being mounted along a second electrode (8 of fig 1).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson in order to remove undesirable gases.

With regard to claim 13,

Johnson discloses the sub-miniature arc lamp.

Johnson does not disclose the one or more getters including one or more mercury-dispensing getters.

Waymouth does disclose one or more getters including one or more mercury-dispensing getters (column 2, lines 60-65).

Utilizing the reasoning in the rejection of claim 12, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the getter of Waymouth into the sub-miniature arc lamp of Johnson.

With regard to claim 14,

Johnson discloses the sub-miniature arc lamp, wherein the sapphire body is a sapphire tube (14 of the figure).

### ***Response to Arguments***

8. The applicant argues, with respect to claims 1,10 (pages 6,7 of response), that Johnson does not disclose the each of the first and second electrodes being mounted in each of the first and second caps, respectively, but rather that the electrodes are held by inleads. The examiner asserts that these are not mutually exclusive conditions, as Johnson discloses each of the first and second electrodes being mounted in each of the first and second caps, respectively, via the



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inleads. The claims recite no limitations regarding how the electrodes are mounted in the caps. Hence the rejections of claims 1 and 10 are maintained. Since no argument was made regarding the rejections of claims 2-9, 11-14, apart from their dependence upon claim 1 or 10, the rejections of claims 2-9, 11-14 are maintained in light of the rejections of claims 1 and 10.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR

  
ASHOK PATEL  
PRIMARY EXAMINER